

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

HENRY CATO, Jr., #2214123,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:23-cv-448-JDK-JDL
	§	
O. PEDRO, et al.,	§	
	§	
Defendants.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff, a prisoner of the Texas Department of Criminal Justice proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 about alleged violations of his constitutional rights. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On November 30, 2023, the Magistrate Judge ordered service upon and a response from Defendant Pedro in this case. Docket No. 15. On that same day, the Magistrate Judge submitted a Report and Recommendation that Plaintiff's claims against Defendants Brown and McNeill be dismissed for failure to state a claim pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2). Docket No. 14. A copy of this Report was mailed to Plaintiff, who received it on December 7, 2023, and did not file written objections. Docket No. 17.


This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of the Report and Recommendation.

28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 14) as the findings of this Court. It is therefore **ORDERED** that Defendants Brown and McNeill are dismissed from this suit for Plaintiff’s failure to state a claim against them pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2). The Clerk shall terminate them as Defendants on this docket.

So **ORDERED** and **SIGNED** this 17th day of **January, 2024**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE